

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X
EDWARD CARTER, FRANK FIORILLO, KEVIN
LAMM, JOSEPH NOFI and THOMAS SNYDER,

Plaintiffs,

-against-

**NOTICE OF MOTION FOR
AWARD OF COSTS AND
ATTORNEYS FEES**

Case No. 07 CV 1215 (SJF) (ETB)

INCORPORATED VILLAGE OF OCEAN BEACH;
MAYOR JOSEPH C. LOEFFLER, JR., individually and
in his official capacity; former mayor NATALIE K.
ROGERS, individually and in her official capacity,
OCEAN BEACH POLICE DEPARTMENT; ACTING
DEPUTY CHIEF GEORGE B. HESSE, individually and
in his official capacity; SUFFOLK COUNTY;
SUFFOLK COUNTY POLICE DEPARTMENT;
SUFFOLK COUNTY DEPARTMENT OF CIVIL
SERVICE; and ALISON SANCHEZ, individually and
in her official capacity,


Defendants.

----- X

PLEASE TAKE NOTICE, that upon the affirmations of James M. Skelly, Kevin W. Connolly and Karen M. Lager dated April 18, 2011, the exhibits annexed thereto, and the accompanying Memorandum of Law, defendant, **ACTING DEPUTY CHIEF GEORGE B. HESSE, individually and in his official capacity**, will move this Court before the Honorable Sandra J. Feuerstein, United States District Judge for the Eastern District of New York, at the United States District Courthouse located at 290 Federal Plaza, Central Islip, New York, on such day when counsel may be heard pursuant to 42 U.S. C. §1988 and Rule 54 of the Federal Rules

of Civil Procedure for an order awarding reasonable attorney's fees and costs herein and granting such other and for such other and further relief as the Court deems just and proper and equitable.

Dated: Elmsford, New York
April 25, 2011



James M. Skelly (JMS - 4844)
Kevin W. Connolly (KWC - 4450)
Karen M. Lager (KL - 2917)

**MARKS, O'NEILL, O'BRIEN
& COURTNEY, P.C.**
Attorneys for Defendant
**ACTING DEPUTY POLICE CHIEF
GEORGE B. HESSE, individually and in
his official capacity**
530 Saw Mill River Road
Elmsford, New York 10523
(914) 345-3701
File No.: 479.81595

TO:

THOMPSON, WIGDOR & GILLY, LLP
Attorneys for Plaintiffs
**EDWARD CARTER, FRANK FIORILLO,
KEVIN LAMM, JOSEPH NOFI, and THOMAS SNYDER**
85 Fifth Avenue
New York, New York 10003
(212) 239-9292

RIVKIN, RADLER LLP
Attorneys for Defendants
**INCORPORATED VILLAGE OF OCEAN BEACH,
MAYOR JOSEPH C. LOEFFLER, JR., individually
and in his official capacity, former mayor
NATALIE K. ROGERS, individually and in her official
capacity and OCEAN BEACH POLICE DEPARTMENT**
926 Rexcorp Plaza
Uniondale, New York 11556-0926
(516) 357-3333

Arlene Zwilling, Esq.

COUNTY OF SUFFOLK

County Attorney's Office

Attorneys for Defendants

SUFFOLK COUNTY POLICE DEPARTMENT,

SUFFOLK COUNTY DEPARTMENT OF CIVIL

**SERVICE and ALISON SANCHEZ, individually and in
her official capacity**

H. Lee Dennison Building

100 Veterans Memorial Highway

P.O. Box 6100

Hauppauge, New York 11788

(631) 853-4049

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on April 25, 2011, a true and correct copy of the foregoing **NOTICE OF MOTION FOR AWARD OF COSTS AND ATTORNEYS FEES AND MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT ACTING DEPUTY POLICE CHIEF GEORGE B. HESSE'S MOTION FOR AWARD OF COSTS AND ATTORNEY'S FEES AND SUPPORTING DOCUMENTS**, was served by First-Class Mail, Postage Prepaid, upon the following:

THOMPSON, WIGDOR & GILLY, LLP
Attorneys for Plaintiffs
EDWARD CARTER, FRANK FIORILLO,
KEVIN LAMM, JOSEPH NOFI, and THOMAS SNYDER
85 Fifth Avenue
New York, New York 10003
(212) 239-9292

RIVKIN, RADLER LLP
Attorneys for Defendants
INCORPORATED VILLAGE OF OCEAN BEACH,
MAYOR JOSEPH C. LOEFFLER, JR., individually
and in his official capacity, former mayor
NATALIE K. ROGERS, individually and in her official
capacity and OCEAN BEACH POLICE DEPARTMENT
926 Rexcorp Plaza
Uniondale, New York 11556-0926
(516) 357-3333

Arlene Zwilling, Esq.
COUNTY OF SUFFOLK
County Attorney's Office
Attorneys for Defendants
SUFFOLK COUNTY POLICE DEPARTMENT,
SUFFOLK COUNTY DEPARTMENT OF CIVIL
SERVICE and ALISON SANCHEZ, individually and in
her official capacity
H. Lee Dennison Building
100 Veterans Memorial Highway
P.O. Box 6100
Hauppauge, New York 11788
(631) 853-4049

James M. Skelly (JMS - 4844)

MARKS, O'NEILL, O'BRIEN
& COURTNEY, P.C.

Attorneys for Defendant
ACTING DEPUTY POLICE CHIEF GEORGE
B. HESSE, individually and in his official capacity
530 Saw Mill River Road
Elmsford, New York 10523
(914) 345-3701

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

EDWARD CARTER, FRANK FIORILLO, KEVIN LAMM, JOSEPH NOFI AND THOMAS SNYDER,

Plaintiffs,

-against-

INCORPORATED VILLAGE OF OCEAN BEACH; MAYOR JOSEPH C. LOEFFLER, JR., individually and in his official capacity;
former mayor NATALIE K. ROGERS, individually and in her official capacity, OCEAN BEACH POLICE DEPARTMENT;
ACTING DEPUTY POLICE CHIEF GEORGE B. HESSE, individually and in his official capacity; SUFFOLK COUNTY;
SUFFOLK COUNTY POLICE DEPARTMENT; SUFFOLK COUNTY DEPARTMENT OF CIVIL SERVICE; and ALISON
SANCHEZ, individually and in her official capacity,,

Defendants.

NOTICE OF MOTION FOR AWARD OF COSTS AND ATTORNEYS FEES

MARKS, O'NEILL, O'BRIEN & COURTNEY, P.C.

Attorneys for Defendant

ACTING DEPUTY POLICE CHIEF GEORGE B. HESSE,

individually and in his official capacity

Office and Post Office Address, Telephone

530 Saw Mill River Road

Elmsford, New York 10523

(914) 345-3701

To

Signature (Rule 130-1.1-a)

Attorney(s) for

Print name beneath

Service of a copy of the within

is hereby admitted.

Dated,

Attorneys for:

Please take notice

☐ NOTICE OF ENTRY

that the within is a (certified) true copy of a
duly entered in the office of the clerk of the within named court on

☐ NOTICE OF SETTLEMENT

that an order
settlement to the HON.
of the within named court, at
on

of which the within is a true copy will be presented for
one of the judges

at

M

Dated,

Yours, etc.

MARKS, O'NEILL, O'BRIEN & COURTNEY, P.C.

Office and Post Office Address

530 Saw Mill River Road

Elmsford, New York 10523

(914) 345-3701